

William R. Hansen  
Christopher R. Kinkade  
Ryan N. Miller  
V. Chisara Ezie  
FOX ROTHSCHILD LLP  
100 Park Avenue Suite 1500  
New York, New York 10017  
Telephone: (212) 878-7900  
Facsimile: (212) 692-0940

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROOT FOUR IMAGINATION INC.,  
MAURICE TUFF, and GREGORY BROWNE,

Plaintiffs,

-against-

LEXISNEXIS RISK SOLUTIONS INC.,

Defendant.

Civil Case No.: 16 Civ. 3149 (PAE)  
[rel. 15 Civ. 3223 (PAE)]

**AFFIRMATION OF CHRISTOPHER R. KINKADE IN SUPPORT OF PLAINTIFFS’  
APPLICATION FOR AN ORDER PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 28(B) DIRECTING THE ISSUANCE OF A LETTER OF REQUEST**

CHRISTOPHER R. KINKADE, an attorney admitted to practice before this Court,  
affirms under penalty of perjury, as follows:

1. I am a partner at Fox Rothschild LLP, attorneys for plaintiffs Root Four Imagination Inc. (“Root Four”), Maurice Tuff, and Gregory Browne (collectively, “Plaintiffs”) in this proceeding (the “Second Proceeding”), as well as attorneys for plaintiff and counterclaim-defendant Root Four in the related proceeding in this Court captioned *Root Four Imagination Inc. v. LexisNexis Risk Solutions Inc.*, Civil Case No. 15 Civ. 3223 (PAE) (the “First Proceeding”). As such, I am familiar with the facts of this matter.

2. I respectfully submit this Affirmation, together with the accompanying exhibits, pursuant to Rule 28(b) of the Federal Rules of Civil Procedure in support of Plaintiffs' *ex parte* application for a Letter of Request for International Judicial Assistance to Obtain Evidence to Be Used in a Civil Proceeding Pursuant to the Hague Evidence Convention (the "Letter of Request") authorizing Plaintiffs to obtain certain documents from Trakm8 Ltd. ("Trakm8"), a British company with an address of Lyden House, Wincombe Business Park, Shaftesbury, Dorset, SP7 9QJ, United Kingdom.

3. The proposed Letter of Request is attached hereto as Exhibit A.

4. A proposed Order instructing the Clerk of this Court to issue the Letter of Request is attached hereto as Exhibit B.

5. In the First Proceeding, Root Four filed a lawsuit against LexisNexis Risk Solutions Inc. ("LexisNexis") claiming misappropriation of trade secrets, breach of contract, and trademark infringement. In the Second Proceeding, Root Four is pursuing additional claims for misappropriation of trade secrets and breach of contract, in addition to other causes of action.

6. Root Four's allegations are based in part on LexisNexis' unauthorized use and disclosure of Root Four's confidential and proprietary information developed by Root Four and provided to LexisNexis pursuant to various confidentiality agreements between the parties to multiple third party entities, including Trakm8.

7. Based on Root Four's discovery of these additional breaches of the parties' confidentiality agreements during the course of the First Proceeding, Root Four sought leave to amend its complaint in the First Proceeding, but the Court denied the requested amendments, without prejudice to Root Four's right to file a separate action. Root Four then brought these claims in the Second Proceeding, claiming, *inter alia*, breach of contract for LexisNexis's

violation of proprietary information non-disclosure, confidential information, and confidential materials provisions of multiple agreements executed between Root Four and LexisNexis.

8. The information sought in the Rogatory concerns LexisNexis's dealings and communications with Trakm8 pertaining to the LexisNexis's disclosure of Root Four's proprietary and confidential information at issue in the Second Proceeding. Such information in possession of Trakm8 is essential to Root Four's ability to adequately pursue its claims in this proceeding, particularly its breach of contract claims, and, upon information and belief, cannot be obtained through other means. For example, although Root Four contends that LexisNexis' use of Root Four's proprietary information with Trakm8 is also within the scope of the First Proceeding, LexisNexis has refused to produce third-party information in the First Proceeding.

9. No previous application has been made to this, or any other court, for the relief sought herein.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York  
June 24, 2016

FOX ROTHSCHILD, LLP

/s/ Christopher R. Kinkade  
Christopher R. Kinkade, Esq.  
100 Park Avenue, 15<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 878-7900  
Fax: (212) 692-0940

*Attorneys for Root Four Imagination Inc.,  
Maurice Tuff, and Gregory Browne*